

REMARKS/ARGUMENTS

This amendment is responsive to the Office Action that issued July 28, 2004. In light of the above amendments and the following remarks, reconsideration and removal of the grounds for rejection are respectfully requested.

The Applicants would like to thank the Examiner for the indication that Claims 10-13 are allowed.

In the Office Action, Claims 36-39 are rejected under 35 U.S.C. 112, first paragraph since it was asserted that Claims 36 was a single means claim. Claim 36 is amended herein to clarify that not only is the Claim not a single means claim, in fact, Claim 36 is not a means claim at all. Claim 36 is amended herein to clarify that the claim requires "a processor configured to process at least one of an audio and video signal generated by an audio/visual capture device focused on said audience, the processor configured to determine how quickly said audience is changing over time, and the processor configured to control a duration of said presented information based on said determination of how quickly said audience is changing." It is respectfully submitted that this amendment to the claim merely clarifies elements that were already required by the previously presented claim and requires and required more than a single element. Accordingly, it is respectfully submitted that this amendment to Claim 36 is not an

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amendment for the purposes of patentability and should be accorded the full range of equivalents under the doctrine of equivalents.

Further, Claims 36-39 are not means claims under 35 U.S.C. 112, paragraph 6 since they recite a well know device, a processor, having a well know structure. Further, the claims require that the processor is configured to perform several functions. It is further respectfully submitted that there are no "means" elements and therefore should not be considered to be applicable to 35 U.S.C. 112, paragraph 6. Accordingly, with the clarifying amendment above it is respectfully submitted that Claim 36-39 are in allowable form and an indication to that effect is respectfully requested.

Further, Claim 40-43 are rejected under 35 U.S.C. 101 it being asserted that the claims are directed to non-statutory subject matter. Claims 40-43 are amended herein to clarify that the claims are directed to a "program segment stored on a computer readable medium" which is statutory subject matter. Accordingly it is respectfully requested that this rejection be withdrawn.

It is the Applicants position that these claims are allowable over the cited prior art for the same reasons as previously allowed Claims 10-13. Accordingly, it is respectfully requested that each of Claims 36-42 be allowed.

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This amendment places the instant application in condition for immediate allowance and such action is respectfully requested.

Respectfully submitted,

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By 

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